

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

NOE POPOCA,

Plaintiff,

v.

Case No. 8:21-cv-778-TPB-JSS

SIMPSON ENVIRONMENTAL  
SERVICES, LLC,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on January 24, 2022. (Doc. 9). Judge Sneed recommends that “Plaintiff’s Motion for Default Judgment Against Defendant Simpson Environmental Services, LLC” (Doc. 8) be granted in part and denied in part. Specifically, Judge Sneed recommends that default judgment be entered in favor of Plaintiff, and against Defendant, in the total amount of \$9,042.00. Judge Sneed further recommends that the Court dismiss the collective action allegations in the complaint. No party has filed an objection, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court

must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, the Court adopts the report and recommendation. The Court agrees with Judge Sneed’s detailed and well-reasoned factual findings and legal conclusions. Consequently, Plaintiff’s motion for default judgment is granted in part and denied in part.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Sneed’s report and recommendation (Doc. 9) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) “Plaintiff’s Motion for Default Judgment Against Defendant Simpson Environmental Services, LLC” (Doc. 8) is hereby **GRANTED IN PART** and **DENIED IN PART**.
- (3) Plaintiff is to be awarded damages totaling \$9,042.00.<sup>1</sup>
- (4) The collective action allegations of the complaint are **DISMISSED**.
- (6) The Clerk is **DIRECTED** to enter final default judgment in favor of Plaintiff Noe Popoca, and against Defendant Simpson Environmental Services, LLC,

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<sup>1</sup> The damages consist of \$4,275.00 in unpaid overtime wages, \$4,275.00 in liquidated damages, and \$492.00 in costs.

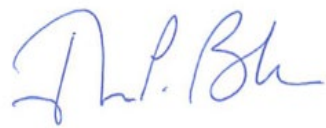
in accordance with this Order.

(7) After entering judgment, the Clerk is directed to terminate any deadlines and thereafter close this case.

(5) The Court finds that Plaintiff is entitled to reasonable attorney's fees.

Plaintiff is directed to file a supplemental motion on the amount of attorney's fees in accordance with Local Rule 7.01(c).

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 10th day of February, 2022.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**